



TOWN OF

HARWICH

732 Main Street
Harwich, MA 02645

CONSERVATION COMMISSION

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HARWICH CONSERVATION COMMISSION

WEDNESDAY, FEBRUARY 17, 2016

SMALL HEARING ROOM
HARWICH TOWN HALL

MINUTES

PRESENT: Walter Diggs, Chairman; Robert Sarantis; Robert Hartwell; John Rossetti, and Amy Usowski, Conservation Administrator

ABSENT: Brad Chase; Carolyn O'Leary and, Ernest Crabtree

6:35 PM **Call to Order** by Chairman Walter Diggs

HEARINGS

Notice of Intent - Continuance

6:35 **Francis & Debra Zarette, 11 Harbor Way, Harwich, Map 1 Parcel H3-0** - Proposed site redevelopment and fish house reconstruction.

Motion made by Bob Sarantis to continue 11 Harbor Way, to March 2, 2016. Seconded by Bob Hartwell. Vote: 4-0-0.

Notice of Intent - Continuance

6:35 **Sangiolo Associates, 9 Skecheconet Way, Map 4, Parcel C1-3** - Proposed removal of old piers from rotted wood bulkhead to be disposed of offsite; removal of invasive plant species and dead plants at coastal bank to be replanted with native species, enlarge existing terrace/patio, driveway and parking area; construct 26 x 26 garage.

Motion made by Bob Sarantis to continue 9 Skecheconet Way, to March 2, 2016. Seconded by Bob Hartwell. Vote: 4-0-0.

Notice of Intent - Continuance

6 :35 **Steven Szafran, 177 Forest Street, Map 31, Parcel C2** - Demolish 2 existing additions and replace with new addition with full cellar below both original house and new addition; breezeway added to connect new addition to bar; install gas line.

Motion made by Bob Sarantis to continue 177 Forest Street, to March 2, 2016. Seconded by Bob Hartwell. Vote: 4-0-0.

The Commission shall vote on and draft an Order of Conditions for the following project:

6:38 Walsh Brothers Building Co., Inc. 5 Sea Street Ext., Map 7, Parcel D22 – Development of a vacant lot with a single family dwelling, associated utilities and site work. *Application is being filed under the local bylaw only.*

John Rossetti has signed an affidavit affirming that he has reviewed all documents and minutes in the Walsh Brothers Building Co., Inc. 5 Sea Street Ext. case and is eligible to vote.

**The 5 Sea Street Ext. Hearing is Closed to Public Comment.
Discussion by HCC:**

Bob Sarantis stated that the proposed project is within the 50' "No Disturb Zone" to a Coastal Dune. Bob Hartwell said he concurs with Bob Sarantis, this is a compelling example of hardscape development in the 0 to 50' protected resource.

Motion made by Bob Hartwell "With respect to the Notice of Intent of Walsh Brothers, 5 Sea Street Extension, Map 7, Parcel D 22, Harwich Port, MA. I move that the Conservation Commission deny the application under Sec. 10.8 (B) of the By Law for:

First, for failure pursuant to Sec. 310.8 (B) (E) to design the project to avoid or minimize wetlands alteration or pursuant to Sec. 310.8 (E) (3) to offer mitigation which may or may not be appropriate to the site and

Second, for failure to submit proof that the project will not have an adverse environmental impact and for failure to submit an existing conditions plan and

Third, that the project is proposed within the 50 foot (No Disturb Zone) to a Coastal Dune and in that the standards relating to any proposal to construct in a Coastal Dune are no less stringent than such standards relating to construction within the buffer to the Coastal Zone; the Applicant has failed to meet the performance standards in the Regulations and

Fourth, the project fails to avoid or prevent unacceptable significant and or cumulative effects to resource area value with respect to flood control, storm damage, pollution and sedimentation and erosion control; the Applicant has not provided such evidence and

Fifth, a variance is denied in that such relief in the instance of this proposal would adversely affect the environmental protection of the By Law; a variance is not required to avoid so restricting the use of the property as to constitute a taking without compensation."

Seconded by Bob Sarantis. Vote: 4-0-0.

Order of Conditions

6:55 Mairead Bray, 18 Hallmark Lane, Map 94, Parcel P3-9 – Removal of numerous 1-2 inch pitch pines and three infected oak trees to eliminate fire hazard and maintain view, replant area with variety of native plantings.

Motion made by Bob Sarantis to approve the Order of Conditions for 18 Hallmark Lane. Seconded by Bob Hartwell. Vote: 4-0-0.

Order of Conditions

6:56 David Tourigny, 4 Chase Street, West Harwich, Map 4 Parcel N3-B: Constructing pavestone walls & planting shrubs, trees & perennials.

Motion made by Bob Sarantis to approve the Order of Conditions for 4 Chase Street. Seconded by Bob Hartwell. Vote: 4-0-0.

Order of Conditions

6:57 Bryan Barrows, 481 Great Western Road, Map 39, Parcel A18 - Install new foundation for existing house which is to be relocated 5' east of its existing location and construction of an 80 sf garage addition, disturbed areas to be replanted with native plantings.

Motion made by Bob Sarantis to approve the Order of Conditions for 481 Great Western Road with corrections noted. Seconded by John Rossetti. Vote; 4-0-0.

Order of Conditions

7:10 Harbor Road, LLC, 13 Harbor Road, Map 8, Parcel S31 - Construction of two small entryway additions on landward side of existing house; removal of existing lawn and planting of a vegetated buffer-strip between the house and coastal bank.

Motion made by Bob Hartwell to approve the Order of Conditions for 13 Harbor Road. Seconded by Bob Sarantis. Vote: 4-0-0.

Order of Conditions

7:13 HFH Development, LLC, Sisson Road, Harwich, Map 31 Parcel D-4: Placement of fill so as to provide the required side slopes for a proposed roadway. The necessary clearing and proposed grading are the only activities within the 100' buffer zone to vegetate wetland. Disturbed areas will be re-vegetated.

Motion made by Bob Sarantis to approve the Order of Conditions for HFH Development, LLC, Sisson Road. Seconded by Bob Hartwell. Vote: 4-0-0.

Notice of Intent

7:15 Town of Harwich Water Department, 216-220 Lothrop Avenue, Map 38, Parcels M5-1 & M5-2, (Water Tank) - Demolish/replace existing elevated water storage tank with a new ground level water storage tank including a 20' X 34' single story wooden booster pump house. The current water tank is nearing the end of its service life and needs to be replaced before a failure occurs.

Presenters: Allin Thompson, Chairman of Board of Water Commission; Danette Gonsalves; Dan Pelletier, and Jason Federico.

Mr. Thompson said that bid prices for painting the water tank came in higher than replacing it. He said that regarding the Lothrop Avenue water tank, that the small tank and pump house fits in better with the residential area. He described the plan dimensions and location for the Lothrop Avenue facility and said all of it is outside the buffer zone. They are doing site preparation work and he also discussed the process for installation.

Any Usowski asked if all the concrete pads would be removed. Mr. Thompson said they would. Ms. Usowski said that it would be conditioned and she suggested recycling the concrete pads, possibly to the

artificial reef. She said she would recommend Cape Cod lawn; wild flowers and possibly some trees (not in HCC jurisdiction). She thinks it is a good project.

Mr. Thompson offered the following facts regarding the water tank at Lothrop Avenue:

- Million gallon size (similar to capacity of the old one).
- Old one installed in 1983.
- New design life expectancy is 60 years.
- Water Department personnel plan to meet with neighbors.
- Discussion of fence.

John Rossetti discussed the use of shrubbery around the facility which he thinks might be more appealing to neighbors.

Bob Hartwell addressed removal of the concrete near a resource. He asked that if the Water Department encounters any problems with the removal, that they come back to HCC to discuss it.

Motion to accept the project of the Town Water Department at Lothrop Avenue made by Bob Sarantis. Seconded by John Rossetti. Vote: 4-0-0.

Notice of Intent

7:30 Stone Horse Yacht Club, 4 Harbor Road, Map 8, Parcel S4 – Replace in kind, the docks, piles and floats of existing licensed marina known as Harwich Port Boatyard.

Presenter: Don Munroe, Coastal Engineering.

Mr. Munroe discussed the project and stated that the replacement is needed in order to renew the lease. He discussed the Mean High Water (MHW) and Mean Low Water (MLW) levels and their relation to the bulkhead. Mr. Munroe said he spoke with Harwich Waterways Committee (WWC) Chairman Matt Hart who deferred to Harbormaster, John Rendon. Mr. Rendon said that the project does not need to come before the WCC.

Amy Usowski suggested that the project be coordinated with Harbormaster, Rendon as it is right in the channel. She suggested that wood that does not touch the water need not be "CCA". All other should be "CCA". She said the cost of "CCA" is four times the cost of wood and is a good reason to replace decking with wood. She said stainless steel not galvanized bolts should be used. She also suggested that the HCC upgrade guidelines for materials in similar cases.

Bob Hartwell asked the age of the current facility. Mr. Munroe said approximately 12 years, and has been licensed since 1950 or 60's under other ownership.

Motion made by Bob Sarantis to approve the project for Stone Horse Yacht Club, 4 Harbor Road. Seconded by Bob Hartwell. Vote: 4-0-0.

Notice of Intent

7:44 Peter Hopple, 71 Gorham Road, Map 32, Parcel W2 – Remove existing garage; construct new 24 X 24 detached garage; a 6.3 X 13.3 infill addition and 24.3 X 6 front porch; install new septic leaching area.

Presenter: Dan Croteau, Moran Engineering Assoc., LLC. and Peter Hopple, Applicant

Mr. Croteau said that some small landscape changes have been made to the plan after discussions with Amy Usowski. The current plan is to get the garage as far away from the resource as possible. Changes involve bringing the garage up to the parking area; removing the existing garage; moving the septic further away from the wetland to meet the required 100' from a resource regulation. Mr. Croteau also discussed in addition to the landscape: drywells, a smaller area of added stone parking, and the area to be grassed.

Amy Usowski thanked Mr. Croteau and Mr. Hopple for the proposed changes which she said protect the resource area. She said that the HCC normally looks for 2 to 1 mitigation which she calculated to be 1000 sf of mitigation for native buffer strip. Mr. Hopple said he liked flowering dogwood. Ms. Usowski said she would like to see a more specific mitigation area and plantings 4 to 5 feet on center.

Bob Sarantis inquired regarding location of leaching area and the size of the porch. Mr. Croteau explained the leaching area is beyond the 100' buffer and the porch is a 6' farmer's porch.

Bob Hartwell asked if there would be any disturbance of the 50' buffer. Amy Usowski discussed containing gravel in the parking area so it does not enter the buffer area as well as plantings in the area of the driveway.

Bob Sarantis also discussed the grade of the driveway.

Motion made by Bob Hartwell to approve the project for 71 Gorham Road with the condition of mitigation of approximately 1000 sf to be discussed with Conservation Administrator; containment of driveway gravel, and an updated porch plan. Seconded by Bob Sarantis. Vote: 4-0-0.

Notice of Intent (Continuance)

8:02 Wendy & Douglas Kreeger, 1 Wah Wah Taysee Road, Map a6, Parcel F2-1 – proposed revetment reconstruction.

Presenters: Catherine Ricks, Coastal Engineering and Jim O'Connell, Coastal Geologist

Ms. Ricks stated that professional surveyors did markings. She said that the plans have been adjusted as requested at the last hearing including a mitigation plan; notification of beach front owners; bringing back the area to pre-construction status after construction, and annual nourishment as well as the six following items addressed in the Wyndemere Beach Trust (WBT) letter from Edmund J. Doherty President of the WBT to the HCC dated February 11, 2016:

1. A Certificate of Insurance for Worker's Comp. and General Liability should be furnished to the WBT before construction begins.
2. Notification of beach front owners and the WBT President if any equipment will be crossing our property.
3. A stamped plot plan by a registered land survey and stakes driven to delineate the property.
4. Restoration of property at the end of the project as needed.
5. A drilled benchmark on the new revetment to monitor the elevation of the beach.
6. An order of condition attached to the permit to re-nourish the beach when sand drops below the established benchmark.

Amy Usowski reiterated condition requirements for the Order of Conditions if approved. She recommend approval.

Bob Sarantis discussed a schedule for monitoring times for nourishment and replacement of the stairs.

Mr. Doherty of the Home Owner's Association inquired regarding property lines and dates of beach work and he also discussed the concerns of the other 51 property owners.

Motion made by Bob Sarantis to accept the project for 1 Wah Wah Taysee Road. Seconded by Bob Hartwell. Vote: 4-0-0.

Change in Plan Request

8:18 Douglas & Christy Godshall, 2A Sea Street – rerouting water line.

Presenter: Dan Croteau, Moran Engineering Assoc., LLC.

Amy Usowski explained that there is a need for a new water line for the record. She said that a new revised plan dated February 1, 2016 was provided to the HCC.

Mr. Croteau discussed the existing water line for Pilgrim Road. He said the Town Water Department does not like “dead ends”. The Water Commission does not want to give up on the issue. Mr. Croteau said he has met with the Water Department and the current proposal is to move the house back and water to go around the patio.

Alternative Water Department proposal discussed. Amy Usowski discussed vegetation replacement.

Motion made by Bob Sarantis to accept the changes for 2A Sea Street. Seconded by John Rossetti. Vote: 4-0-0.

Order of Conditions

8:27 Robert & Gaylene Heppe, 311 Route 28, Map 12, Parcel L1 – Construction of post and beam addition.

Motion made by Bob Hartwell to accept the Order of Conditions for 311 Route 28. Seconded by Bob Sarantis. Vote: 4-0-0.

Order of Conditions

8:32 Wyndemere Pines Association, Mill Road, Map 8, Parcel S6 – Vegetation management and shorefront protection.

Motion made by Bob Sarantis to approve the Order of Conditions for Wyndemere Pines Assoc., Mill Road. Seconded by Bob Hartwell. Vote: 4-0-0.

Discussion

8:34 Harwich Garden Club Plans

Amy Usowski discussed the Garden Club plans for Chatham Road entrance to Thompson's Field. She said they proposed the following: Remove pitch pines and come before HCC with planting plan.

Motion made by Walter Diggs to approve the removal of three pitch pine trees. Seconded by Bob Sarantis. Vote: 4-0-0.

Minutes

8:43 Minutes of January 6, 2016

**Motion made by Bob Sarantis to approve the Minutes of January 6, 2016. Seconded by Bob Hartwell.
Vote: 4-0-0.**

8:50 Minutes of January 20, 2016

**Motion made by Bob Sarantis to approve the Minutes of January 20, 2016. Seconded by John Rossetti.
Vote: 4-0-0.**

Adjourn

8:54 PM

Motion made by Bob Hartwell to Adjourn. Seconded by Bob Sarantis. All in Favor

Minutes transcribed by Marie Hickey, Board Secretary

SIGN IN SHEET
Small Hearing Room
February 17, 2016

Arlene Wilson
David Reid
Donald Munroe, CEC
Allin P. Thompson, Water
Daniel R. Pelletier
Paul Costello, DCI
Danette Gonsalves (Water)
G. A. Cari, Water
Jason Federico, DCI
Catherine Ricks, CEC
D. Hopple
Ed Donohue